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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,121	03/23/2000	HIDEKAZU KOBAYASHI	105034	3415
25944	7590	07/13/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER ROY, SIKHA	
			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,121

Applicant(s)

KOBAYASHI, HIDEKAZU

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,17,19-28,30,32-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,17,19-28,30,32-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment, filed on June 15, 2004 has been entered and is acknowledged by the Examiner.

Claim Objections

Claim 40 is objected to because of the following informalities:

Claim 40 depending on claim 28 recites 'the printing method being an ink-jet method' but there is no mention of printing method in claim 28. Claim 40 recites the same limitation as of claim 27, which depends on claim 26 (same as cancelled claim 39) reciting the polymer layer being formed by printing method.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17, 19-21, 26-28, 30, 32-34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,326,726 to Mizutani et al., and further in view of U.S. Patent 5,739,635 to Wakimoto.

Regarding claim 15 Mizutani discloses (Fig. 7 column 14 lines 39-67, column 15 lines 3-12) an electroluminescent device comprising a bank 3 (separation wall) defining a pixel, an anode 18 provided for the pixel, light-emitting layer 4 provided in the pixel

and above the anode and including organic polymer (α -NPD, column 9 lines 6-14), a cathode 5 continuously formed so as to cover the pixels and on the organic electroluminescent layer.

Claim 15 differs from Mizutani in that Mizutani fails to exemplify a thin-film layer provided above the light emitting layer and under the cathode continuously formed so as to cover the plurality of pixels.

Wakimoto in analogous art of organic electroluminescent device discloses (column 2 lines 1-10, 53-58, column 6 lines 20-30 Fig. 3) an electroluminescent device comprising a light emitting layer 3 including organic polymer (organic compound such as dicyanomethalene derivatives, quinacridone derivatives) emitting light in the visible spectrum between the anode 2 and cathode 1 and a thin film layer 6b (electron-injecting layer of an insulating thin film) disposed between the light emitting layer 3 and the cathode 1. Wakimoto further discloses this thin film layer 6b made of alkaline metal compound such as alkaline metal halide, alkaline metal oxides having a very low work function acts as an insulator (column 2 lines 59-67) and hence inherently works as a means for suppressing the current flowing through the light-emitting layer and thus improves the emitting efficiency of the organic EL device which stably emits light at a high luminance upon application of low voltage for a long time.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the continuously formed cathode over the pixel of organic electroluminescent device of Mizutani by cathode and the thin film layer continuously formed under the cathode as disclosed by Wakimoto for suppressing the current flowing

through the light-emitting layer and thus providing an organic EL device capable of emitting light for a long time.

Claim 28 essentially recites the same limitations as of claim 15 for plurality of pixels and hence is rejected for the same reason.

Regarding claims 17 Wakimoto discloses (column 2 lines 59-66) that the means for suppressing the current flowing through the light-emitting layer and not contributing to the light emission (electron injecting layer) is made of alkaline metal oxides and alkaline metal halides.

Claim 30 recites the same limitations as of claim 17 and hence is rejected for the same reason.

Regarding claims 19 and 32, Mizutani discloses (Fig. 7) the banks 3 overlapping the edges of the anode 18.

Regarding claims 20 and 33 Mizutani discloses (column 9 lines 10-13 Fig.7) an electroluminescent device comprising a hole injection (hole transport) layer 4a having electric conductivity disposed between the light emitting layer and the anode. Regarding claim 20 and 33, Mizutani discloses the claimed invention except for the limitation of thickness of the hole injection layer being not less than 100nm. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 205 USPQ 215 (CCPA 1980). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to specify the thickness of the hole injection layer (4a) to be not less than 100nm, since discovering an optimum value of a result variable is considered within the skills of the art.

Regarding claims 21 and 34 Wakimoto discloses (column 4 line 12, Fig. 4) an electroluminescent device comprising a buffer layer (layer 4b) having electrical conductivity disposed between the light emitting layer and the anode. It is to be noted that this buffer layer improves the contact between the anode and the hole-transport layer.

Regarding claim 21 and 34, Wakimoto discloses the claimed invention except for the limitation of thickness of the buffer layer being not less than 100nm. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 205 USPQ 215 (CCPA 1980). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to specify the thickness of the buffer layer (4b) to be not less than 100nm, since discovering an optimum value of a result variable is considered within the skills of the art.

Regarding claims 26, 27 and 40 the Examiner notes that the claim limitation that "light emitting layer being formed by a printing method which is an ink-jet method " is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that the organic electroluminescent device disclosed by Wakimoto is at least a fully functional

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equivalent to the Applicant's claimed electroluminescent device having the light emitting layer formed by ink-jet method.

Claims 22, 23, 25, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,326,726 to Mizutani et al., and U.S. Patent 5,739,635 to Wakimoto and further in view of U.S. Patent 6,111,356 to Roitman et al.

Referring to claims 22 and 23 Mizutani and Wakimoto do not disclose light emitting layer including at least one of polyfluorene and derivative of polyfluorene, poly(p-phenylenevinylene) and derivative of poly(p-phenylenevinylene).

Roitman et al. in the same field of endeavor disclose (column 2 lines 56-59) the polymer layers of electroluminescent material include polyfluorene and polyphenylenevinylene. Roitman et al. further note (column 4 lines 44-56) that the layers formed of these polymers maintain their mechanical integrity, resistance to lifting off and electronic characteristics through the process of development and hence are preferred.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include polyfluorene and polyphenylenevinylene in the light emitting layer as taught by Roitman et al. in the electroluminescent device of Mizutani and Wakimoto for their maintenance of mechanical integrity, resistance to lifting off and electronic characteristics through the process of development.

Claims 35 and 36 recite the same limitations as of claims 22 and 23 respectively and hence are rejected for the same reason.

Regarding claim 25 Roitman et al. disclose (column 3 lines 34-53) the light-emitting layer formed by depositing a plurality of layers. It is further disclosed that for different colored device EL layer of each color is deposited separately and patterned such that different color pixels have different EL material.

Claim 38 recites the same limitations as of claim 25 and hence is rejected for the same reason.

Claim 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,326,726 to Mizutani et al., and U.S. Patent 5,739,635 to Wakimoto and further in view of JP 10-36487.

Regarding claims 24 and 37 Mizutani and Wakimoto do not exemplify the degree of organic polymerization being at least two.

JP 10-36487 in relevant art of organic electroluminescent device discloses the degree of polymerization of the organic polymer is desirable between 1 and 2000. It is noted that depending on the degree of polymerization the fluorescent material of a polymer-based EL element can be produced by a simple process, has a well-defined structure and soluble in organic solvents for easy film formation. Regarding claim 24, Wakimoto in view of JP 10-36487 disclose the claimed invention except for degree of polymerization being at least 2. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have selected the organic polymer

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of Wakimoto and JP 10-36487 to be at least 2, since the selection of known materials for a known purpose is within the skill of the art.

Response to Arguments

Applicant's arguments with respect to claims 15 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.R.

Sikha Roy
Patent Examiner
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